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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,749	10/18/2005	Xiping Wang	JEEK 102NP	6139
23995	7590	11/14/2006	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			AHMED, AAMER S	
			ART UNIT	PAPER NUMBER
			3763	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

NT

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,749	<b>Applicant(s)</b> WANG, XIPING	
	<b>Examiner</b> Aamer S. Ahmed	<b>Art Unit</b> 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 5-7,9,10,12-14 and 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3,4,8,11 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/18/2005</u> | 6) <input type="checkbox"/> Other: _____  |

2/16/06 AA

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 5-7, 9-10, 12-14, 16-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09/22/2006.

### ***Specification***

The abstract of the disclosure is objected to because the abstract is unclear. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "52" has been used to designate both a luer tip and a ringy face. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show element "631" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities: in the last paragraph on page 2 of the amended claims the phrase "at least one opposite faces of the sliding casing . . . " is unclear. Also the term "skirt" is misspelled as "shirt" in the last paragraph of claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jansen (US 6626864 B2) in view of Shaw (US 5385551 A).

Jansen discloses a safety syringe including a sliding casing (26), a needle (18), a syringe barrel (12), a piston (20), a spring (30), and a plunger (22) inside the syringe barrel (12); a luer tip (see fig. 2) with a needle luer skirt (see fig. 2) thereon provided at the front end of the syringe barrel to mate with the needle that it is installed on the luer tip at the front end of the syringe barrel through the needle luer skirt, with the front end of the plunger having a connection part to engage with the piston, is characterized in that the sliding casing is movably sleeved on the outside of the syringe barrel, with two elastic extension plates (40) on each of which a connection part is respectively provided at the rear portion of the sliding casing; the front end of the sliding casing is a reduced

section whose front end has a guard board whose center is provided with a hole permitting the needle to reach out; a vertical ringy face (48), is provided at the front end of the syringe barrel whose surface has a long groove (see fig. 1) to engage with elastic locking plates, the front portion of the long groove is provided with a position limiting plate that can be locked between the two elastic locking plates; the outside surface of the syringe barrel is provided with two connecting portions to respectively correspond to the connection part of each elastic extension plate, the connecting portions can engage with the connection parts on the elastic extension plates respectively; the plunger is provided with a sliding casing off-locking plate corresponding to the elastic extension plate of the sliding casing, at least one of the faces opposite the sliding casing off-locking plate and the elastic extension plate of the sliding case is a slant face, when the sliding casing off-locking plate and the elastic extension plate of the sliding casing is in contact with each other, the sliding casing off-locking plate may make the elastic extension plate of the sliding casing opening toward it two sides under the action the slant face (see fig. 3-6);

Jansen et al, fails to disclose a spring on the casing of the needle luer skirt of the syringe barrel.

Shaw discloses a similar device with a spring (96) on the casing of the needle luer skirt of the syringe barrel.

It would have been obvious to one having ordinary skill in the art at the time of invention by the applicant to modify the device of Jansen et al by incorporating the spring of the type taught by Shaw, in order to control the insertion of the needle.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jansen (US 6626864 B2) in view of Shaw (US 5385551 A) and further in view of Alter et al (US 4919652 A).

Jansen et al in view of Shaw disclose the device as described above in reference to claim 1, but fail to disclose that the syringe includes a "+" shaped plunger rib plate that is slightly larger than the diameter of the inner hole of at the front end of the latching casing.

Alter et al discloses a similar device with as "+" shaped plunger rib that is slightly larger than the diameter of the inner hole of at the front end of the latching casing (see fig. 5).

#### ***Allowable Subject Matter***

Claims 3, 4, 8, 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

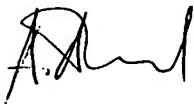
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aamer S. Ahmed whose telephone number is 571-272-5965. The examiner can normally be reached on Monday thru Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A.Ahmed



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